

## Message Text

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ACTION SCSE-00

INFO OCT-01 AF-06 ISO-00 L-03 SCA-01 DHA-02 H-02 /015 W

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R 280542Z JAN 76

FM AMEMBASSY ADDIS ABABA

TO SECSTATE WASHDC 7908

UNCLAS ADDIS ABABA 1021

E.O. 11652: N/A

TAGS: CASC, CDES, ET (ANTLES, PETER AND HAMMATT, WILLIAM)

SUBJECT: DISPOSITION OF EFFECTS, ISSUANCE OF FS-192S

REF: 1. STATE 016054

2. STATE 137732 OF JUNE 12, 1975

3. STATE 199191 OF AUGUST 21, 1975

4. ADDIS 14686 OF DEC 19, 1975

1. PER REFTEL 1, PARA 1, FOLLOWING IN CHRON ORDER IS RECAP OF  
EMB EFFORTS OBTAIN OFFICIAL DOCUMENTATION FROM ETHIOPIAN  
AUTHORITIES ON WHICH TO BASE PREPARATION OF FS-192S:

- EMB NOTIFIED THAT WIVES PRESUMED MEN WERE DEAD (REFTEL 2)

- ATTEMPTS MADE TO OBTAIN READING OF ETHIOPIAN LAW RE LEGAL  
PRESUMPTION OF DEATH IN CASE OF MISSING PERSONS. AFTER GOING  
IN CIRCLES WITH MIN INTERIOR, FON OFF, ATTORNEY HIRED BY  
HAMMATT FAMILY AND EMB LEGAL ADVISOR WE FINALLY LEARNED IN  
AUGUST THAT ETHIOPIAN LAW REQUIRES PERIOD OF TWO YEARS MUST  
HAVE ELAPSED BEFORE OFFICIAL ABSENCE/DEATH JUDGMENTS CAN BE ISSUED.

- PER INSTRUCTIONS FROM DEPT (REFTELS 2 AND 3), WE THEN SENT  
NOTE TO FON OFF ON AUGUST 21, 1975, REQUESTING POLICE IN-  
VESTIGATIVE REPORT (IN LIEU OF DEATH JUDGMENT) IN ORDER  
PREPARE PRESUMPTIVE REPORTS OF DEATH. NOTHING HAPPENED.

- NOTE WAS FOLLOWED UP WITH PHONE CALLS TO FON OFF ON SEPT 23  
AND OCT 20. ON BOTH OCCASIONS, WE INFORMED THAT MIN INTERIOR WAS  
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ACTING ON REQUEST AND POLICE REPORTS WOULD SHORTLY BE  
FORTHCOMING. NOTHING HAPPENED.

- DECEMBER 3, 1975, AT REQUEST OF CONSUL, POL COUNS SENT LETTER TO MINISTER OF INTERIOR REQUESTING HIS PERSONAL ATTENTION TO MATTER. NOTHING HAPPENED.

- DECEMBER 15, CONSUL TALKED WITH INVESTIGATING OFFICER AT CID LHO STATED HE HAD NOT YET RECEIVED REQUEST FROM MIN INTERIOR TO PROVIDE POLICE REPORT.

- JANUARY 12, 1976, DCM PUT FORTH STRONG PLEA FOR ACTION WITH FON OFF AMERICAN DESK OFFICER, ATO WOBISHET.

- WEEK OF JANUARY 19 TO 23, ATO WOBISHET FURNISHED NAME OF MIN INTERIOR OFFICER, ATO TAYE RETTA, WHO IN CHARGE OF MATTER AND CONSUL TALKED WITH HIM BY PHONE. HE STATED THAT POLICE AUTHORITIES WERE SENT REQUEST FOR DESIRED REPORTS THREE WEEKS AGO. HE ALSO STATED THAT MATTER COMPLICATED BY FACT THAT POLICE HAD NOT PREVIOUSLY INFORMED MINISTRY OF THIS CASE, WHICH APPARENTLY THEY WERE SUPPOSED TO DO. (NOTE: POLICE MAY NOT HAVE INFORMED MIN INTERIOR OF THIS CASE BUT IT WAS REAISED BY EMB APRIL 23, 1975 DURING VISIT BY DCM WYMAN TO MINISTER'S OFFICE. LATTER ASSURED DCM THAT INQUIRIES WOULD BE MADE TO BE CERTAIN POLICE WERE DOING EVERYTHING POSSIBLE TO LOCATE MEN. SEE ADDIS 4939 OF APR 25, 1975, PAR 3) ATO TAYE SAID REPORTS WILL

HAVE TO COME FROM POLICE IN AREA OF DISAPPEARANCE. SINCE WE HAVE BEEN TOLD FOR SEVERAL MONTHS THAT REPORTS WERE FORTHCOMING, IT APPEARS USELESS TO SPECULATE WHEN WE WILL HAVE THESE.

- JANUARY 24, 1976, BARRETT PAID CALL ON ATO WOBISHET AT FON OFF AND REITERATED URGENCY OF OBTAINING POLIIE REPORTS.

2. EMB HAS RECEIVED REPORT OF UNOFFICIAL SEARCH EFFORTS MADE OUT OF ATTORNEY ROBERT SCOOT'S OFFICE. IF DEPT BELIEVES UNOFFICIAL REPORTS PLUS CIRCUMSTANTIAL EVIDENCE (I.E. MEN HAVE NOT BEEN SEEN OR HEARF FROM IN ONE YEAR) MEET OUR REGULATIONS AND REQUIREMENTS OF WIVES' STATE OF RESIDENCE FOR PREPARATION OF FS-192S, PLEASE ADVISE AND WE WILL PREPARE. WE HAVE FOLLOWED UNCLASSIFIED UNCLASSIFIED

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INSTRUCTION (REFTEL 3) THAT QUOTE OFFICIAL SOURCE UNQUOTE IS NECESSARY FOR PREPARATION PRESUMPTIVE 192S.

3. EMB LEGAL ADVISOR HAS PREPARED FIVE-PAGE INTERPRETATION OF ETHIOPIAN CIVIL CODE PERTAINING TO ABSENCE/DEATH JUDGMENT IN MISSING PERSONS CASE AND RIGHTS OF HEIRS, INCLUDING DISTRIBUTION OF ABSENTEES PERSONAL EFFECTS. COPY OF THIS PLUS QUOTATION OF PERTINENT SECTIONS OF LAW BEING GIVEN TO BARRETT. LEGAL ADVISOR STATED THAT EXACT QUESTION OF WHETHER EFFECTS CAN BE GIVEN TO HEIRS BEFORE FINAL ABSENCE/DEATH JUDGMENT IS RENDERED

IS NOT CLEAR. IT APPEARS, HOWEVER, THAT JUDGMENT MUST BE DECLARED BEFORE HEIRS RIGHTS TAKE EFFECT BUT WE WOULD APPRECIATE DEPT INTERPRETATION UPON RECEIPT OF ABOVE DOCUMENTS. IF DEPT BELIEVES AFFIDAVIT FROM WIVES OR SOME OTHER FORM OF DOCUMENTATION WOULD SUFFICE TO RELEASE PACKAGE, PLEASE ADVISE.

4. SUPPLEMENTAL REPORT RE EMB EFFORTS CONTACT REMAINING NAMES IN HAMMATT LOG ALSO BEING GIVEN TO BARRETT. THIS IS FOLLOW-UP TO SCHMIDT TO KULICK REPORT OF NOV 7, 1975.

5. PER REFTEL 4, PARA 3, NEHBERG RETURNED FROM MOTA BUT DID NOT CONTACT EMB RE RESULT OF EFFORT TO FIND OTHER CORRESPONDENCE FROM MEN AT BRIDGE. CONSUL LEARNED, HOWEVER, THAT HE DID TALK WITH SOBEK GROUP AND MENTIONED TO THEM THAT WHEN HE ARRIVED IN MOTA, THE POLICE WOULD NOT ALLOW HIM TO GO TO THE BRIDGE, PROBABLY BECAUSE OF TROUBLES IN THE AREA. NEHBERG IS NOW ON FOUR WEEK OMO RIVER TRIP DUE TO RETURN IN MID-FEB.  
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